

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-cv-10806
Hon. Matthew F. Leitman

UNITED TAX TEAM, INC., *et al.*,

Defendants.

/

**ORDER TERMINATING DEFENDANT GLEN HURST’S MOTIONS TO
DISMISS (ECF Nos. 6 & 7) WITHOUT PREJUDICE AS MOOT**

On April 7, 2023, the United States of America filed this civil action against Defendants United Tax Team, Inc., Glen Hurst, Alicia Qualls, Alicia Bishop, Tenisha Green, Michael Turner, and Constance Stewart (the “Defendants”). (*See* Compl., ECF No. 1.) On May 17, 2023, Defendant Glen Hurst filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 6.) Hurst also filed a brief in support of that motion, but he erroneously identified the brief as a separate motion on the Court’s docket. (*See* ECF No. 7.)

On May 19, 2023, without expressing any view on the merits of Defendant Hurst’s motion to dismiss, the Court entered an order granting the Government leave to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by Hurst in his motion to dismiss. (*See* Order, ECF No. 10.) The

Court informed the parties that if the Government decided to file a First Amended Complaint, it would terminate Hurst's motion to dismiss without prejudice. (*See id.*)

On June 2, 2023, the Government filed a notice with the Court that it intends to file a First Amended Complaint. (*See* Notice, ECF No. 11.) Accordingly, because the Government will be filing a First Amended Complaint, the Court **TERMINATES** both Hurst's motion to dismiss (ECF No. 6) and his brief in support of that motion (ECF No. 7), which Hurst wrongly labeled a motion on the docket, **WITHOUT PREJUDICE AS MOOT**. Hurst (or any other Defendant) may re-file a motion to dismiss directed at the First Amended Complaint if he believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 7, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 7, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126